

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

LE ROI JOHNSON,

No. C-07-0195 MMC

Plaintiff,

**ORDER GRANTING MOTION TO  
DISMISS CAUSES OF ACTION  
ASSERTED AGAINST DEFENDANT  
CONTRA COSTA COUNTY; VACATING  
HEARING**

v.

(Docket No. 24)

CONTRA COSTA COUNTY, et al.,

Defendants

/

Before the Court is the motion filed March 28, 2007 by defendant Contra Costa County ("County") to dismiss the claims asserted against it, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. No opposition to the motion has been filed. Having considered the papers filed in support of the motion, the Court finds the matter appropriate for decision without oral argument, see Civil L.R. 7-1(b), hereby VACATES the May 4, 2007 hearing, and rules as follows:

All claims asserted against the County are subject to dismissal because Johnson fails to allege he was injured as a result of an unconstitutional policy or custom of the County. See Monell v. Department of Social Services, 436 U.S. 658, 694 (1978) (holding "local government may not be sued under § 1983 for an injury inflicted solely by its employees or agents; rather, "it is when execution of a government's policy or custom,

1 whether made by its lawmakers or by those whose edicts or acts may fairly be said to  
2 represent official policy, inflicts the injury that the government as an entity is responsible  
3 under § 1983"); Streit v. County of Los Angeles, 236 F.3d 552, 559 (9<sup>th</sup> Cir. 2001) ("A  
4 county is subject to section 1983 liability . . . if its policies . . . caused the particular  
5 constitutional violation at issue."). There is no indication that such deficiency can be cured  
6 by amendment, as there is no allegation, with respect to any of plaintiff's remaining claims,<sup>1</sup>  
7 that a County employee caused plaintiff any injury.

8 Accordingly, the County's motion to dismiss is hereby GRANTED, and all claims  
9 asserted against the County are hereby DISMISSED with prejudice.

10 This order terminates Docket No. 24.

11 **IT IS SO ORDERED.**

12 Dated: April 30, 2007

*Maxine M. Chesney*  
MAXINE M. CHESNEY  
United States District Judge

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

---

27       <sup>1</sup> The Court previously has dismissed all claims asserted against the Hon. Peter  
Berger, for failure to state a claim, and has dismissed all claims asserted against the El  
Cerrito defendants for improper joinder. (See Docket Nos. 5, 6.)  
28